

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claims 1, 7 and 28 have been amended to recite controlling the changeover means to changeover the connection state to a series connection mode “each and every time that” it is determined or instructed that the current gear shift position is at the reverse position. Basis for this can be found at page 32, lines 5-6; and steps S104 and S116 in Figure 6.

All of the claims had previously been amended to recite controlling the changeover means to change over the connection state to the series connection mode when it is determined that the current gear shift position is at the reverse position or when this is instructed.

Applicants had argued in the prior responses that Kubo teaches that for reverse operation the output power should be the same as for a conventional ICE vehicle – the power of the engine is directly transmitted to the driveshaft (Kubo ‘502; col. 13, lines 4-15). This corresponds to the acknowledged prior art, and is the opposite of the claimed invention. Moreover, it was argued that while Kubo also describes that the vehicle mode “may be temporarily switched to SHV [series hybrid vehicle] mode so that regeneration is used with priority,” this description does not teach or suggest changing over the connection state to the series connection mode *whenever* reverse operation is determined or instructed, as this description simply means that the vehicle is to be operated in a conventional ICE mode during reverse operation, but that the conventional ICE mode may be temporarily switched to the SHV mode in order to regenerate the battery *during such times in which battery regeneration is possible* (e.g., when deceleration is requested). Additionally, “when” had been changed to “whenever” in Claims 1 and 7 in order to clarify that the changeover occurs each and every time that it is determined that the

current gear shift position is at the reverse position or this is instructed.

In the outstanding Office Action, the Examiner has nonetheless again rejected Claims 1, 2, 6-8, 12-14, 16-18 and 28 as being anticipated by Kubo. Responding to Applicants' prior arguments, the Examiner has replied that "whenever" has been interpreted to mean "when," and not to mean "each and every time." The presently amended claims therefore now recite a control means that controls the changeover means to change over the connection state to the series connection mode *each and every time that* power output in a reverse direction is instructed or *each and every time* it is determined that the current gearshift position is at the reverse position.

As for the further allegation in the Office Action (paragraph bridging pp. 7-8) that the claimed limitation concerning the control means is merely a non-structural description of its function, Applicants respectfully point out that in each case the "control means" is a means-plus-function limitation whose interpretation is governed by 35 U.S.C. § 112, ¶6. As such, it must be interpreted to be limited to the corresponding structure disclosed in the specification for carrying out the claimed function, and equivalent structures. In such a case, then, the claimed function is defined by statute as a structural restriction on the claim: **prior art which does not provide the claimed function cannot anticipate the claim.**

Beyond this, as has already been discussed, Kubo does not disclose a control means that controls the changeover means to change over the connection state to the series connection mode each and every time that power output in a reverse direction is instructed or each and every time it is determined that the current gearshift position is at the reverse position, but instead discloses such a connection only during such times in which battery regeneration is

Appl. No. 09/889,141
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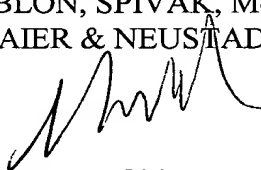
possible. Accordingly, the claims are not anticipated by Kubo.

Concerning the rejection of Claims 3 and 9 as being obvious over Kubo in view of Varela, or the rejection of Claims 4, 5, 10 and 11 as being obvious over Kubo in view of Yamaguchi, or the rejection of Claim 27 as being obvious over Kubo in view of Moroto et al, it is noted that the secondary references were each cited to teach features of the dependent claims and do not provide teachings for overcoming the shortcomings of Kubo with respect to its failure to teach that the changeover of the connection state to the series connection mode occurs each and every time that power output in a reverse direction is instructed or each and every time that it is determined that the current gearshift position is at the reverse position. The amended claims therefore define over any combination of the above references.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early notice of allowability.

Respectfully submitted,

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